

AMENDED IN ASSEMBLY MAY 12, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 670

Introduced by Assembly Member Papan

February 23, 1999

An act to amend ~~Section 29010~~ *Sections 29010 and 103240* of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 670, as amended, Papan. San Francisco Bay Area Rapid Transit District *and the San Mateo County Transit District*.

Existing

(1) *Existing* law authorizes the San Francisco Bay Area Rapid Transit District to take by grant, purchase, gift, devise, lease, or eminent domain, or otherwise acquire, real and personal property within or outside the district that is necessary to the exercise of its powers. Existing law authorizes the district to lease, mortgage, sell, or dispose of any real or personal property within or outside the district if the district determines that it is in the best interests of the district to do so.

This bill would provide that that authority includes the authority to acquire property that is necessary for, incidental to, or convenient for, transit oriented joint development, as defined, except ~~as otherwise specified~~ *that the bill would provide that the district's authority to condemn property in eminent domain proceedings does not include the authority*

to condemn property for the primary purpose of transit oriented joint development. The bill would authorize the district to jointly develop real or personal property if the district determines that it is in the best interests of the district to do so.

(2) Existing law authorizes the San Mateo County Transit District to take by grant, purchase, devise, lease, or eminent domain, or otherwise acquire, real and personal property within or outside the district that is necessary to the exercise of its powers. Existing law authorizes the district to lease, mortgage, sell, or otherwise dispose of any real or personal property within or outside the district, as prescribed.

This bill would provide that that authority includes the authority to acquire property necessary for, incidental to, or convenient for, transit oriented joint development, as defined, except that the bill would provide that the district's authority to condemn property in eminent domain proceedings does not include the authority to condemn property for the primary purpose of transit oriented joint development. The bill would authorize the district to jointly develop real or personal property if the district determines that it is in the best interests of the district to do so.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 29010 of the Public Utilities
2 Code is amended to read:

3 29010. (a) The district may take by grant, purchase,
4 gift, devise, or lease, or condemn in proceedings under
5 eminent domain, or otherwise acquire, and hold and
6 enjoy, real and personal property of every kind within or
7 without the district necessary to the full or convenient
8 exercise of its powers.

9 (b) The board may lease, mortgage, sell, jointly
10 develop or otherwise dispose of any real or personal
11 property within or without the district if, in its judgment,
12 it is in the best interests of the district to do so.

(c) Subject to subdivision (e), the authority described in subdivision (a) includes the authority to acquire property necessary for, incidental to, or convenient for, transit oriented joint development.

(d) For purposes of this section, a transit oriented joint development project is a commercial, residential, or mixed use development that is undertaken in connection with existing, planned, or proposed transit facilities.

(e) The authority described in subdivision (a) does not include the authority to condemn property in eminent domain proceedings for the primary purpose of transit oriented joint development.

SEC. 2. Section 103240 of the Public Utilities Code is amended to read:

~~103240. The district may take by grant, purchase, devise, or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers. The board may lease, mortgage, sell, or otherwise dispose of any real or personal property within or without the district necessary to the full or convenient exercise of its powers.~~ (a) *The district may take by grant, purchase, gift, devise, or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers.*

(b) *The board may lease, mortgage, sell, jointly develop or otherwise dispose of any real or personal property within or without the district if, in its judgment, it is in the best interests of the district to do so.*

(c) *Subject to subdivision (e), the authority described in subdivision (a) includes the authority to acquire property necessary for, incidental to, or convenient for, transit oriented joint development.*

(d) *For purposes of this section, a transit oriented joint development project is a commercial, residential, or mixed use development that is undertaken in connection with existing, planned, or proposed transit facilities.*

1 *(e) The authority described in subdivision (a) does not*
2 *include the authority to condemn property in eminent*
3 *domain proceedings for the primary purpose of transit*
4 *oriented joint development.*

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